

# DECLARATION FOR PATENT APPLICATION

Attorney Docket No: **062004-1640**

As the below named inventor, I/we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **An Apparatus And Method For Implementing Hydro-Acoustic Therapy For The Lungs**, the specification of which:

- ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_.  
☐ was filed on \_\_\_\_\_ under U.S. Express Mail No. \_\_\_\_\_.  
☐ is set forth in PCT International Application No. \_\_\_\_\_;  
filed on \_\_\_\_\_ and as amended Under PCT Article 19 on \_\_\_\_\_ (if any).

I/we hereby state that I/we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I/we hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional patent application, foreign application(s) for patent or inventor's certificate listed below and have also identified below any United States provisional patent application, foreign application for patent or inventor's certificate having a filing date before that of the above-identified application on which priority is claimed: **U.S. provisional application entitled "Hydroacoustic Lung Therapy," having Serial Number 60/200,484, filed April 28, 2000**

I/we hereby claim the benefit under Title 35, United States Code, §120 of any United States patent application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application: **NOT APPLICABLE.**

I/we hereby appoint the following attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **George M. Thomas, Reg. No. 22,260; James W. Kayden, Reg. No. 31,532; Scott A. Horstemeyer, Reg. No. 34,183; Stephen R. Risley, Reg. No. 35,659; Jeffrey R. Kuester, Reg. No. 34,367; Daniel J. Santos, Reg. No. 40,158; Michael J. Tempel, Reg. No. 41,344; Daniel R. McClure, Reg. No. 38,962; Robert E. Stachler II, Reg. No. 36,934; David P. Kelley, Reg. No. 17,420; Reg. No. 41,344; David R. Risley, Reg. No. 39,345; Jon E. Holland, Reg. No. 41,077; Dan R. Gresham, Reg. No. 41,805; J. Scott Culpepper, Reg. No. 41,692; M. Paul Qualey, Reg. No. 43,024; Robert P. Biddle, Reg. No. 35,826; Robert A. Blaha, Reg. No. 43,502; Jennifer M. Gruber, Reg. No. 42,601; Raymond W. Armentrout, Reg. No. 45,866; Cynthia J. Lee, Reg. No. 46,033; N. Andrew Crain, Reg. No. 45,442; Monica A. Winghart, Reg. No. 46,790; Sami O. Malas, Reg. No. 44,893; Marianne H. Parker, Reg. No. 46,165; Eric M. Ringer, Reg. No. 47,028; Larry E. Thompson, Reg. No. 41,346; Robert B. Dulaney III, Reg. No. 47,539; Adam E. Crall, Reg. No. 46,646; William F. Heinze, Reg. No. 36,161.**

Please address all telephone calls, in the first instance, to **Scott A. Horstemeyer** at telephone number: **(770) 933-9500.**

Address all correspondence to:

**Scott A. Horstemeyer  
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& RISLEY, L.L.P.  
100 Galleria Parkway, N.W., Suite 1750  
Atlanta, Georgia 30339-5948**

I/we hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of First or Sole Inventor: **Peter H. Rogers**  
Residence: **750 Park Avenue, Apt. 19N, Atlanta, GA 30326** Citizenship: **U.S.A.**  
Post Office Address: **Same as Residence**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Second Inventor: **Gary W. Caille**  
Residence: **825 Ferncroft Court, Roswell, GA 30075** Citizenship: **U.S.A.**  
Post Office Address: **Same as Residence**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of Third Inventor: **Alice L. Rogers**  
Residence: **750 Park Avenue, Apt. 19N, Atlanta, GA 30326** Citizenship: **U.S.A.**  
Post Office Address: **Same as Residence**

Applicant or Patentee: Peter H. Rogers et al.

Serial or Patent No.: To Be Assigned

Filed or Issued: April 26, 2001

For: **An Apparatus And Method For Implementing Hydro-Acoustic Therapy For The Lungs****VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d)) -- NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Georgia Tech Research CorporationADDRESS OF ORGANIZATION: 400 Tenth Street, Centennial Research Building  
Atlanta, Georgia 30332-0415**TYPE OF ORGANIZATION**

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501 (a) and 501 (c)(3))
- ☒ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE Georgia)  
(CITATION OF STATUTE \_\_\_\_\_)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501 (a) and 501 (c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled:

**AN APPARATUS AND METHOD FOR IMPLEMENTING HYDRO-ACOUSTIC  
THERAPY FOR THE LUNGS**

by inventor(s): Peter H. Rogers, Gary W. Caille, Alice L. Rogers  
described in

- ☒ the specification filed herewith.
- ☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

For "Patent" of Georgia

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).*

FULL NAME: N/A

ADDRESS: \_\_\_\_\_

☐

INDIVIDUAL

☐

SMALL BUSINESS CONCERN

☐

NONPROFIT ORGANIZATION

FULL NAME: N/A

ADDRESS: \_\_\_\_\_

☐

INDIVIDUAL

☐

SMALL BUSINESS CONCERN

☐

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Kevin Wozniak

TITLE IN ORGANIZATION: Director, Office of Technology, GTRC

ADDRESS OF PERSON SIGNING: 400 Tenth Street, Centennial Research Building  
Atlanta, Georgia 30332-0415

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_